

#4
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Zaghouani, H.) Group Art Unit 1644
 Appl. No. : 09/111,123)
 Filed : July 6, 1998)
 For : COMPOUNDS,
 COMPOSITIONS AND
 METHODS FOR THE
 ENDOCYTIC
 PRESENTATION OF
 IMMUNOSUPPRESSIVE
 FACTORS)
 Examiner : NOLAN, P.)

) CERTIFICATE OF FAX TRANSMISSION
) I hereby certify that this correspondence and all
) marked attachments are being transmitted
) to the Patent and Trademark Office
) on the date shown below:
) October 21, 1999
) (Date)
) James J. Muller III, Ph.D., Reg. No. 44,957

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

In response to the requirement for restriction dated September 21, 1999, Applicants provisionally elect, with traverse, to prosecute the claims of Group I. Group I, as noted by the Examiner in the subject Official Action, comprises Claims 1-7, which are drawn to a fusion polypeptide, classified in class 512, subclass 12. Notwithstanding the provisional election, Applicants respectfully reserve the right to rejoin any nonelected claims in view of the rejoinder doctrine articulated by the Federal Circuit in *In re Ochiai*, 77 F.3d 1565 (1995), and in *In re Browwer*, 77 F.3d 422 (1996), and as discussed in Section 821.04 of the MPEP.

-1-

BEST AVAILABLE COPY

Appl. No. : 09/111,123
Filed : July 6, 1998

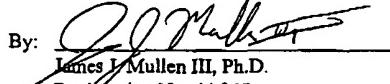
No fees are seen as being necessary in connection with this Response. However, the Commissioner is authorized to charge any fees in connection with this paper to Deposit Account No. 11-1410. A copy of the accompanying transmittal is attached for this purpose.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 21 OCT 1998

By:


James J. Mullen III, Ph.D.
Registration No. 44,957
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(619) 235-8550

S:\DOCS\JMUJM-2825.DOC
102099

-2-

BEST AVAILABLE COPY

OFFICE OF THE PATENT OFFICE
OCT 22 1999

INTELLECTUAL PROPERTY LAW

KNOBBE, MARTENS, OLSON & BEAR

A LIMITED LIABILITY PARTNERSHIP INCLUDING
PROFESSIONAL CORPORATIONS

PATENT, TRADEMARK AND COPYRIGHT CAUSES

501 WEST BROADWAY

SUITE 1400

SAN DIEGO, CALIFORNIA 92101-3506

(619) 235-8550

FAX (619) 235-0175

INTERNET: www.kmbo.com

GROUP 1600

ATTORNEYS AT LAW
JON R. GURKA
KATHRYN V. WHITE
ERIC M. WELSH
ALICE M. YEH
MARK R. BENEDICT, Ph.D.
PAUL H. COOPER
ROBERT J. COSTY
ROBERT L. DAVIS
SARAH A. DELANEY
JOHN W. HOLCOMB
JAMES J. MULLEN, III, Ph.D.
JOSEPH W. PISCHAK, Ph.D.
WILLIAM R. ZIMMERMAN
BLAINE L. MUTTON
ERIC C. JOHNSON, Ph.D.
DO TE KIM
TIPIAN ABE LOWE
ROGERFRED Y. LIU
MICHAEL S. LINDNER
SAKJIVPAL S. GILL
SUSAN M. MOSK
GUY PEPP
JAMES E. MILL, M.D.
ROSE M. THIESSEN, Ph.D.
MICHAEL S. FULLER
MICHAEL A. GUILLIANA

JAPANESE PATENT ATTY
CATHERINE A. KIM**EUROPEAN PATENT ATTY
MARIE HELLEBRANDTSCIENTISTS & ENGINEERS
(THOM-LAWTERS)

DANIEL J. SALINICKER**

HEIL S. GANTZLOF, Ph.D.**

DANIEL C. JOHNSON, Ph.D.**

JEFFREY KOPECKY, Ph.D.**

KEITH L. KIRKHAM, Ph.D.

JENNIFER A. MATHEWS, Ph.D.

MARKHAM F. O'NEILL, Ph.D.

MARINA S. PAVLIC, Ph.D.

THOMAS T. NAGY, Ph.D.

ALAN C. GORDON

PAUL S. MURTA

LINDA L. LIU

MICHAEL A. MOLCHAN

TASHWANT KAHLA, Ph.D.

ORIGINAL WILL FOLLOW VIA:

- WILL NOT FOLLOW
 WITH ENCLOSURES

Facsimile Transmittal SheetConfidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us. Any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

RESPONSE TO WRITTEN RESTRICTION REQUIREMENT

TO: Examiner P. Nolan
 FIRM: USPTO - GROUP ART UNIT 1644
 FACSIMILE NO.: (1-703-305-3704)
 FROM: James J. Mullen III, Ph.D., Reg. # 44,957
 OUR REFERENCE NO.: ALLIA.143CP2
 TOTAL NUMBER OF PAGES: 5 (INCLUDING COVER SHEET)
 OPERATOR: R. Miles
 DATE: October 21, 1999 TIME: 1:38 PM

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

Facsimile Operator Phone Number: (619) 235-8550
 Direct Line to Machine: (619) 235-0176

MESSAGE: Attached for filing in Application No. 09/111,123; filing date July 6, 1998 are:

Transmittal in duplicate;
 Restriction Requirement in 2 pages.

S:\DOCS\JJM\JJM-283.DOC
102199

275 BATTERY STREET
SUITE 1600
SAN FRANCISCO, CALIFORNIA 94111
(415) 554-1111
FAX (415) 554-4111

420 PORTFOLIO CENTER DRIVE
SIXTEENTH FLOOR
PORTFOLIO CENTER, SUITE 1600
(949) 769-8400
FAX (949) 769-9302

3801 UNIVERSITY AVENUE
SUITE 710
RIVERSIDE, CALIFORNIA 92501
(909) 781-9231
FAX (909) 781-4507

* A PROFESSIONAL CORPORATION
** ALSO REGISTERED AT U.S. PATENT & TRADEMARK OFFICE
** U.S. PATENT AGENT

BEST AVAILABLE COPY

PATENT

Case Docket No. ALLIA.143CP2
Date: October 21, 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Zaghouani, H.

Appl. No. : 09/111,123

Filed : July 6, 1998

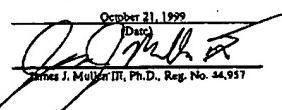
For : COMPOUNDS,
COMPOSITIONS AND
METHODS FOR THE
ENDOCYTIC
PRESENTATION OF
IMMUNOSUPPRESIVE
FACTORS

Examiner : P. Nolan

Group Art Unit : 1644

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all
marked attachments are being facsimile
transmitted to the Patent and Trademark Office on
the date shown below:

October 21, 1999
(Date)

James J. Mullen III, Ph.D., Reg. No. 44,957

TRANSMITTAL LETTER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Dear Sir:

Enclosed for filing in the above-identified application are:

- Response to Restriction Requirement in 2 pages.
 The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410. A duplicate copy of this sheet is enclosed.
 Return prepaid postcard.


James J. Mullen III, Ph.D.
Registration No. 44,957
Attorney of Record

S:\DOCS\UJM\JIM-2832.DOC
102199

KNORRBE, MARTENS, OLSON & BEAR, LLP
600 NEWPORT CENTER DR., 10TH FLOOR, NEWPORT BEACH, CA 92660
(714) 750-0400 FAX (714) 750-9504

BEST AVAILABLE COPY